

the music—music publishers, composers, and/or songwriters—from the proceeds. Because the rates charged by the two biggest PROs, ASCAP and BMI, are monitored by the Rate Court of the U.S. District Court of the Southern District of New York, the rates today amount to a very small amount per annum per business. The rates are even smaller for the kinds of performances covered by title II of the bill—performances of music over television and radio sets that businesses turn on for the benefit of their customers. And, as I said, “mom-and-pop” establishments do not have to pay anything. Nevertheless, some have sought for over 3 years to eliminate the licensing of music that arrives in a business establishment through the reception of radio and TV signals.

I have a stellar record in supporting legislation that benefits small business, but this includes songwriters, who themselves are small businesses. I have yet to discover a reason to eliminate or even reduce the charge for the commercial use of some one else's property. In my view, property is property whether it's dirt or intangible, and I have always been a defender of property rights.

The associations that want to eliminate the public performance right for business establishments have held up passage of copyright term extension for more than three years, although they had no quarrel with copyright term extension on its merits. Since copyright term extension is so important to America, Mr. President, I began a series of negotiations last year to try to resolve the problem. Other negotiations were begun by others, and, in the end, a compromise was worked out. This compromise is included in title II of the bill.

Title II greatly expands the current “mom-and-pop” exemption in the Copyright Act. Indeed, data supplied by the Congressional Research Service reveals that over 65.2% of restaurants will be exempt.

But lest we think that the music licensing issue has been put to bed, I want to sound a note of caution. Despite the months of negotiations that produced title II, an unanticipated problem popped up just as a compromise was reached—the exemption contained in title II applies to radio broadcasts licensed by the FCC and does not cover Internet radio. We did not have time to address this problem, and, frankly, the novel nature of Internet radio precluded a simple solution. This issue concerns me, however, and I will turn to the music licensing question again in the future, if I see that a disparity exists between FCC-licensed radio and Internet radio. I would not want businesses to turn away from new technology because of artificial forces acting on the market. If we do turn to this question, we may discover that it is impossible to integrate Internet radio and TV into the exemption without modifying its scope.

Nevertheless, Mr. President, on balance, S. 505 is a good bill. I'm glad it passed, and I'm glad that a compromise was worked out on music licensing to allow the copyright term to be extended. I thank all who had a hand in the solution.

WIPO COPYRIGHT TREATIES IMPLEMENTATION ACT CONFERENCE REPORT

Mr. GRAMS. I rise in support of the WIPO Copyright Treaties Implementation Act Conference Report adopted by the Senate on October 8, and commend the Senator from Utah for his efforts in crafting legislation that will greatly aid American copyright owners and users in the digital world. This legislation is of great importance to the citizens of Minnesota, including many companies that produce copyrighted materials as well as the hard-working men and women employed by them.

As the Senator from Utah is also aware, however, I have a great interest in Senate action to protect database owners, to continue the availability of quality and reliable products and services for users here and abroad. Earlier this summer, I introduced S. 2291 to provide this protection, and worked to include this language into the WIPO Implementing legislation. I greatly regret this legislation could not be included as part of this Conference Report.

Would the Senator from Utah and his colleagues on the Judiciary Committee agree to take up this issue as a priority item early in the 106th Congress? I believe we need fair and balanced database protection legislation, similar to S. 2291.

Mr. HATCH. I thank the Senator from Minnesota for his comments. This will be a top priority for the Committee next year. I intend to hold a hearing on database legislation and move for prompt consideration in the 106th Congress.

Mr. GRAMS. I thank the Senator from Utah and look forward to working with you early next year.

TRIBUTE TO SENATOR DIRK KEMPTHORNE

Mr. DOMENICI. Mr. President, it is with great pride and honor that I rise today to pay tribute to my retiring colleague from Idaho, Senator DIRK KEMPTHORNE. In his six years of service to the United States Senate, he has proven himself to be a very thoughtful and determined leader and I am honored to have the opportunity to rise and speak on his accomplishments.

It was a pleasure to work with Senator KEMPTHORNE as he crafted one of the most important bills we have passed in the United States Senate, the Unfunded Mandates bill. I was particularly pleased that the private sector was included in the assessment of Unfunded mandates and DIRK was generous and extraordinarily helpful to me

and my staff throughout the legislative process as we developed and negotiated this legislation. Not only did the junior Senator from Idaho manage two weeks of debate on the Senate floor which sometimes lasted 12 hours a day, but his skillful leadership and influence brought affected parties to the table to negotiate and produce legislation which passed both the House and Senate by overwhelming margins. Clearly, without his strong commitment to American small businesses, this objective would not have been achieved.

In addition to his service on the Small Business Committee and Armed Forces Committee, Senator KEMPTHORNE was given the responsibility of chairing the Drinking Water, Fisheries, and Wildlife subcommittee of the Environment and Public Works Committee. He wrote an update of the Safe Drinking Water Act which won bipartisan praise. He worked many long and arduous hours crafting legislation to reauthorize and reform the Endangered Species Act, an issue extremely important New Mexico and other Western States. DIRK's perseverance and hard work was instrumental in laying the groundwork for long overdue reform of this law and I am hopeful that we can be as diligent and compromising as he has been in crafting and passing ESA reform legislation in the future.

The state of Idaho is fortunate to have a statesman of his caliber. During his tenure, he has earned the respect and admiration of his colleagues on both sides of the aisle because of his unique ability to negotiate, compromise, and foster positive working relationships not only with his colleagues, but between federal, state, and local governments. These skills will serve him well as he faces new challenges in the future. Although we will miss his presence in this body, I know that he will continue to be a valuable asset not only to the state of Idaho but to this Nation.

Finally, I understand the challenges and difficulties associated with raising a family while serving in Congress and I respect and admire his decision to do what is right for his family and their future. Nancy and I wish DIRK, Patricia, and their children all the best.

TRIBUTE TO SENATOR JOHN GLENN

Mr. DOMENICI. Mr. President, I would like to pay tribute on my behalf, and on behalf of the people of New Mexico, to a true American patriot, Senator JOHN GLENN. It has indeed been a privilege to serve in this Chamber for 24 years with a man of such honor and distinction.

Although I only served with Senator GLENN on the Senate Governmental Affairs Committee for a brief time, I have been able to witness firsthand JOHN GLENN's legendary fairness and leadership. I doubt there has ever been a Senator who could match his dogged determination. He worked tirelessly for

many years to cut government waste and improve the efficiency of government, and I applaud his efforts.

Since his arrival in 1974, JOHN GLENN has championed the cause of space exploration and research, an area of particular interest and importance to my home state of New Mexico. He has long understood, and I strongly concur with him, that the United States has a unique opportunity and obligation to the pursuit of knowledge and exploration of the heavens. Thanks to Senator GLENN's continuing sense of duty and service to his country, we will expand our understanding of space and its effects on the human body.

The success of our space program has enabled our children to dream of different worlds, our scientists to explore the nature of matter and the origins of time, and us to be able to look up into the night sky and to understand what we see. JOHN GLENN played a crucial role in achieving this success. His flight on *Friendship 7* was one of the first indications of the greatness of America's space program. His flight on *Discovery* will be a continuation of the greatness JOHN GLENN helped established—and a confirmation of the contributions senior Americans can, and do, make in our society.

JOHN GLENN's life as a military hero, space pioneer, and statesman is the stuff of legends. Although his time here in the Senate draws to a close, he assures us that the legend will grow when he takes off on the shuttle *Discovery* later this month. It truly has been a pleasure to work with the distinguished Senator from Ohio. Good luck, JOHN GLENN, and God Bless.

TRIBUTE TO SENATOR WENDELL FORD

Mr. DOMENICI. Mr. President, it is with great respect that I rise today to express my gratitude to the distinguished Minority Whip, Senator WENDELL FORD, for his 22 years of service to the United States Senate. I have been here since the beginning of his Senate career and have witnessed his many accomplishments over the years. His tenure has represented a shining example of hard work, honesty, and integrity.

Senator FORD and I served on the Energy and Natural Resources Committee for many years together and shared a mutual interest in energy policy. He has been a strong advocate of the disposal of chemical weapons at the Blue Grass Army Depot in Kentucky and has stood firm in his commitment to exploring safe, affordable, and environmentally sound alternatives to chemical weapons incineration. He understands the threats of nuclear proliferation and we have shared a common desire to ensure proper stewardship of nuclear stockpiles across the globe. I have appreciated his valuable contribution to this mission and will miss his presence on the Energy and Natural Resources Committee.

An accomplished public servant, Senator FORD served his country in World

War II, was elected Governor of the Commonwealth of Kentucky, and as a Senator, established himself as a national leader in energy, aviation, and federal-election reform policy. However, he may be best known for his steadfast commitment to serving the people of his beloved home state, Kentucky. He has diligently sought to create opportunities for the people of America and I am confident that upon his return to Kentucky, he will continue to give as generously of himself as he did during his 22 years of service in Congress.

I believe that I speak on behalf of all members of the Senate when I say that WENDELL's leadership, talent, and friendship will be sorely missed. I am grateful that I had the opportunity to work with him and hope that when the time comes for me to leave office, I will be as well respected as Senator WENDELL FORD by my constituency and colleagues on both sides of the aisle.

WENDELL, on behalf of myself and the State of New Mexico, I commend you on job very well done and wish you and Jean continued health and happiness in your retirement.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, in light of the Columbus Day holiday—a day in which we honor Christopher Columbus for discovering a debt-free nation—I am unable to report to Congress our nation's outstanding federal debt from the close of business Friday, October 9, 1998. I do however feel obliged to submit the federal debt from years past.

With no holiday in site for an escalating national debt, I report, Mr. President, that one year ago, October 9, 1997, the federal debt stood at \$5,409,087,000,000 (Five trillion, four hundred nine billion, eighty-seven million).

Twenty-five years ago, October 9, 1973, the federal debt stood at \$459,857,000,000 (Four hundred fifty-nine billion, eight hundred fifty-seven million).

Mr. President, as we stand in the twilight of budget negotiations for fiscal year 1999, I remind my distinguished colleagues that we must curb the desire to spend, spend, spend. Even with a holiday weekend our federal debt reflects an increase of more than \$5 trillion—that is more than 5 million million—during the past 25 years.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 100-696, announces the appointment of the Senator from North Dakota, Mr. DORGAN, as a member of the United States Capitol Preservation Commission.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBATE DURING THE FINAL DAYS OF THE 105TH CONGRESS

Mr. GRAMS. Mr. President, I want to talk a little bit about some of the impending debate going on right now to try to close out these final days of this Congress. As you know, most of the talk is centered around the issue of education. While I was sitting here listening, I thought really that most Members of Congress that are up for election were back home campaigning. But I guess they are not, because some have been here this afternoon campaigning on the floor of the Senate. I heard today some of the outlines of what was basically their very liberal agenda, which did not pass some very radical proposals that this Congress did not accept.

They talked about delays and about the lack of work in this session, but they didn't mention that this Congress has required more cloture motions just to try to get issues onto the floor. We have also heard, I think, some real tall tales of revision of the history of budget negotiations, et cetera, talking about how much credit should go to this President for the current economic benefits that we are reaping. But somehow they forget a lot of the work done during the 1980s, like the tax cut, deregulation of many industries, the productivity of workers and companies that have basically produced more revenue for this Government to allow us to balance the budget. It really hasn't been anything that this President has done to balance the budget.

If you talked about this big budget plan offered in 1993—which I am proud to say not one Republican supported because the centerpiece of that plan was just like every other Democratic proposal over the last 40 years—that was to raise taxes on the American people in order to try to solve what they saw as a crisis or problem, but the real intent was to enlarge and expand the size and scope of Government, to bring more control to Washington. This plan raised \$263 billion in new taxes—the largest tax increase in history in this country—which has now taken the average American family to the highest levels of taxation in history, with over 42 percent for the average American going to taxes. That means you work just about as much time to support Government as you are allowed to work to raise your family, to support your family—health care, educational needs, food, clothing, shelter, et cetera.

I have to say that if it was such a great idea to raise taxes and that solves the problems, I don't know why we don't simply say let's raise taxes to